



Municipal Court

Judges Bulletin

Summer 2012 • The Georgia Council of Municipal Court Judges Newsletter

Officers 2011 - 2012

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President's Corner



Judge Rashida Oliver
East Point

Greetings,

First and foremost, I would like to thank each and every one of my colleagues of the Municipal Bench for allowing me to serve as your President for the 2011-2012 term. This term carried with it many challenges and opportunities. With the aid of the Executive Committee, Legislative Committee, AOC staff, Public Relations Committee, our Lobbyist Arthur "Skin" Edge and a host of others, we managed to champion the challenges and embrace the opportunities.

At the beginning of my term, I met with the Immediate Past President, Nelly Withers, and Council leadership to chart the course for the year. In doing so, I reviewed our Strategic Plan of 2010. It was my intent to do as much as possible to make that plan obsolete by way of completion. I am elated to report that with the accomplishments and strides made this year, the Council is in need of a new and enhanced Strategic Plan to chart our course for the next two to four years.

As President, I have had the distinct opportunity to serve as you representative on the Judicial Council, its Budget Committee, its Policy Committee, the Bench and Bar Committee and the Study Committee for the revision of the Code of Judicial Canons. It has been a busy and productive year. Included herein are the highlights of this year's effort.

We were fortunate enough to garner the full support of the Judicial Council Policy Committee and the Judicial Council for all three of our legislative initiatives. The information and hard work provided by Judge Barrett and the legislative committee gave me the tools and support necessary to articulate and encourage the Council to unanimously support our efforts. The unanimity of such support attests to well prepared legislation and work of our committee members. Of the legislation presented, all but one was accepted by the

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President's Corner cont.

State Legislative Council and of those accepted all passed both the House and the Senate. Upon the Governor's signature both SB351 and SB352 went into law. This would not have been possible without the support of those on the Executive Committee and others who remained informed and engaged with their legislators.

SB 351 resulted in the Recorders Court Judges and those exercising Municipal jurisdiction to receive training as all other Municipal Court judges with the local jurisdictions baring the cost. S.B. 352 makes permissive the use of prosecutors in the Municipal Courts provided the governing body moves for such. It further required registration of those prosecutors with the Prosecutors Attorneys' Council (PAC). An unintended but welcomed consequence of this legislation resulted in a small expansion of our concurrent jurisdiction to include Possession of Drug Related Objects 16-13-32.1.

Another committee, hard at work this year was the Public Relations Committee. This committee co-chaired by Judges Allison Pitts and John Defoor, with the support and assistance of President-Elect Judge Kent Wickham, Gwinnett County Multimedia & Web Communications Division (Trent Bumgardner), and AOC Staff worked feverishly to develop and provide this Council with an informative arraignment video. This video was designed to demystify the arraignment procedures for those we serve on a daily basis. It may also serve as a marketing tool to show to school age children and public service entities what one should expect when entering the Municipal Court. Thanks to

Gwinnett County, Judge Wickham and Lashawn Murphy and Judge Ray Lanier for negotiating and managing to get this video produced with a cost savings of at least \$10,000.

In early January, I was made aware of a Study Committee for the revision of the Code of Judicial Canons, chaired by Justice Hugh Thompson. A call to Justice Thompson expressing the Councils interest in these efforts resulted in Him graciously appointing me to that committee to ensure that issues that might concern the Municipal Council judges might be addressed. Some issues presented during committee meetings include: Ex parte Conversations with Parties, Recusal from cases, Conduct of the Judge on the Bench, Activity and comments outside the office by the Judge that can compromise cases and the use of social media by Judges. This study is ongoing, I will continue to report its progress on these issues and others presented in the future.

Finally and likely most important, this year the issue of Decriminalization of traffic offenses as a part of the Criminal Justice Reform has been and continues to be a hot and heavy topic. Originally it appeared that as a Council we had no voice on this weighty issue. After much communication through and with the assistance of the AOC, members of our Council were permitted to proffer our views and concerns with any legislation seeking to divest us of authority to enforce the penalties sentenced on traffic offenses. The resulting impact this measure would have on the Municipal Courts and others, including law enforcement and the cities we service was heard and considered. In late spring, Chief Justice Hunstein met with a contingent of

Council leadership across all classes of Court to again hear our concerns. I am confident that she is armed with sufficient information for use as she serves on the Governors Committee on Criminal Justice Reform. I am encouraged that this open dialogue will continue throughout this process.

I have been happy to serve you and will continue to serve in whatever capacity needed for the continued growth of our Council. I would like to take this time to thank Judge Glen Ashman for his continued work on the Bench book. The time and effort he puts into this endeavor is invaluable to the Council. Special thanks to Judge Gary Jackson for unknowingly keeping me informed and on top of issues not necessarily on our Agenda; issues that have proven to be important and vital to our continued success.

Thank you all for your trust and support.

Respectfully

Judge Rashida Oliver, President

Municipal Council of Judges



From the Editor

Margaret Gettle Washburn, Chief Judge, City of Sugar Hill

Hello to my fellow Municipal Court Judges.

I am proud to say that I am a Municipal Court Judge or City Judge as we are referred to occasionally. I have been serving in that capacity since 1985. I was pregnant with my first child when the City of Duluth saw fit to appoint a woman judge to the bench. I have served that City since then, either as Chief Judge, presiding Judge or an associate Judge. I am the Chief Judge for the City of Sugar Hill and it's truly been my honor, no pun intended, to serve that great City.

One of the great aspects about having the opportunity to serve as a Municipal Court judge is that most of us also have a law practice. We are lawyers. Having the chance to practice law and also having the opportunity to serve our cities and their citizens in the most honorable way imaginable is just a big bonus.

I currently practice law in Lawrenceville, Georgia, mostly family law, some traffic and criminal and personal injury. Practicing law and serving as a Municipal Court Judge has provided me with the opportunity to get to know our private and public leaders within our community and to help our students and young people.

I am a UGA DAWG fan, although I am an Emory Law grad, '79. My oldest son, Lee, graduated UGA School of Law in May, and he is studying for the bar and working downtown. My youngest son, Houston, is a UGA grad and is a rising 2L at John Marshall Law School, Atlanta. He is interning for Judge Robert Waller in the Gwinnett Juvenile Court - writing a history of the Gwinnett County Bar Association as his summer project, interviewing lawyers and judges; un-

doubtedly a future newsletter editor.

I have served this Council as a Vice President, President Elect and as President. I am currently a Dist. Rep for Dist. 9 for the Georgia Council of Municipal Court Judges and Chair for the Newsletter Committee (since 1997). I also have the privilege of serving on Awards and Recognition Committee for the Council.

I have looked at our great group of judges over the past 25 years. We have some amazing former Municipal Court Judges such as Judge Steve Jones (Athens), who was recently appointed to the Federal bench. Judge John Ellington (Soperton) is now the Chief Judge of the Georgia Court of Appeals. Judge Louisa Abbot (Pooler) is the President-Elect of the Council of Superior Court Judges and Judge Bensonetta Tipton Lane (Atlanta) is a Superior Court Judge, Atlanta Judicial Circuit; just a few examples. Many of you have moved on to full time magistrate positions, as well.

As much as I am proud of our brethren who have moved on to other "higher" courts, I have to say that we have pretty sweet jobs as Municipal Court Judges. We have the opportunity to mingle with our citizens at the local fairs and the Rexall Drug Store, visit at lunch time on the square, participate in the fun runs and speak at the city council meetings. We usually get asked our opinions on new building structures and pawn shops and dog parks by our council members and they appreciate our interest. Those city councils allow us to create Teen Courts for our young drivers and programs for the Defendants that need intervention such as Drug

Courts, and personal responsibility programs.

We are like M*A*S*H units at times because our courts are what the citizens see the most- and often it's like performing triage when our dockets are overflowing, we have people standing in the aisles, prosecutors calling up the next case, clerks going over the paperwork and probation officers once again patiently explaining that showing up without proof of community service is generally a bad idea. We preside over cases that directly impact on families about their children that drive too fast and stay out too late, Defendants whose pets are treating the neighbor's yard as a personal loo, neighbors that have not mowed their grass or their boat is parked in the front yard. We have the cases where someone's brother cannot leave the marijuana alone, got caught speeding, has the marijuana in the car, is driving while clouds of smoke circle his head, and, Judge, he just plain needs help- what can you do to help him? We preside over the reckless drivers, the drunk drivers, the elderly drivers and the teenage drivers and Dog Court.

We are a patient group of judges that have to know a little about just about everything when it comes to serving our communities. And, I could not be prouder to do so. I hope you all feel that way. I know that our incoming President Kenneth (Kent) E. Wickham (Norcross) is passionate about his service as a Municipal Court Judge. Recently, I had the pleasure of observing our outgoing President Rashida Oliver (East Point) give her presentation to the Judicial Council at the State Bar Annual Meeting in Savannah.

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From the Editor cont.

She spoke about our progress and how our courts are on the cutting edge when it comes to technology and programs. Rashida held her own against any other class of court in that meeting and she made the municipal court judges in the audience very proud.

Judges, there is nothing more rewarding than receiving a hand written note from a Defendant or a family member of a Defendant, thanking you for your service, your patience and your willingness to help someone in your capacity as a Judge. We have small victories and great victories, but we celebrate them all- and I always look forward to our annual meetings, having those two or three days to share our victories with each other. Thanks and please send your victories, your city's progresses and program ideas to me and I will print those in the upcoming editions of our MCJ Newsletter.

With Respect, Margaret Gettle Washburn, P.C., Attorney at Law, Chief Judge, City of Sugar Hill

The Listserv....is ready to serve you!

If you have not joined, do so now. For those of you who are not aware here are a few reasons to join listserv.

Listserv's purpose is to automatically send information out as well as provide interaction between all Traffic Court and Municipal Judge Subscribers.

- 1) Its an inexpensive way to interact with fellow City Judges and discuss issues concerning your class of court,
- 2) Great way to seek out advice on unusual cases or cases you may have not experienced before and,
- 3) It's a quick way to send urgent notices that may other wise require sending postcards, making long distance calls (faxes) and playing phone tag (remember the cost buildup).

This listserv is developed and maintained by the Georgia Administrative Office of the Courts for official purposes only and is offered to Traffic Court and Municipal Judge subscribers strictly for their use in connection with their judicial duties. The listserv is not to be used for any personal or private activity of any kind, whether for profit or otherwise, without express written consent of the Georgia Administrative Office of the Courts.

The Council encourages you to subscribe to this list. It is convenient, informative, and not to mention, it can be used as a great reference in referring to past events. Subscribing takes one call or e-mail. Once you have subscribed, you will receive a welcome message, providing a pass code and instructions on using the service. If you have any questions about this service, please contact the IT Listserv Administrator, Roger Watson at (404) 651-8169 or roger.watson@gaaoc.us. To subscribe to the Traffic Court or Municipal Judges Listserv, please contact LaShawn Murphy, AOC, at (404) 651-6325 or via email at lashawn.murphy@gaaoc.us.

Welcome aboard to all new subscribers!

New Law Increases Fees For DUI and Other Alcoholic Offenses

Mickey Roberts, Esq., Duluth, GA

If there were no other reason for an attorney to fight a charge of DUI for his or her client in your court, now they have another reason. As part of a new overhaul of the criminal code in Georgia, effective July 1, 2012, the "penalties" added onto fines will be 50% of the fine. This effectively means that if a Defendant pleads guilty to a DUI and are assessed a fine of \$1000, then the Defendant would still owe an

additional "fee" of \$500. This is in addition to other fees that go to the Peace Officers Retirement Fund and the Probate Judges Retirement Fund.

The new penalties will go to fund that will be known as the "County Drug Abuse and Treatment Program." The penalties do not just apply to DUI charges. As of July 1, 2012, a 50% penalty will be applied

on possession of alcohol by a minor, serious injury by vehicle, and fleeing and eluding, as well as all drug possession convictions. In essence, the total amount dues for fines and fees now on a DUI, Minor in Possession, etc. could be as high as 100% of any fine amount! Advise your court staff accordingly.

2012 Legislative Highlights

Submitted by Christopher Causey

At midnight on Thursday, March 29, the Georgia General Assembly ended the 2012 legislative year. Legislators addressed major issues over the past three months ranging from criminal justice reform to modernizing provisions relating to the superior court clerks. Governor Deal has forty days after sine die (last day of legislative session) to sign or veto legislation. The AOC has published its 2012 Enacted Legislation, a comprehensive summary of the 2012 legislative session, and can be viewed at <http://w2.georgiacourts.gov/enactedlegislation/>.

During the 2011 session the legislature passed HB 265, creating the Special Council on Criminal Justice Reform for Georgians (Council). After the 2011 session ended, the Council met monthly to establish recommendations and findings intended to develop legislation for the 2012 session. Based on the recommendations of the Council, Chairman Rich Golick (R – Smyrna) introduced HB 1176. HB 1176 received support from Chief Justice Carol W. Hunstein and Gov. Nathan Deal. The bill was passed on the final day of the session and now awaits the signature of the Governor.

On behalf of the Council of Superior Court Clerks, Representative Billy Maddox (R – Zebulon) introduced HB 665, instituting changes to modernize provisions of the Clerk of Superior Court offices. Several committee hearings were held to hear from all interested parties being affected by these changes. The version of HB 665 that passed included language from legislation supported by the Judicial Council – HB 763. HB 763 was introduced to clarify who is ineligible to serve as trial or grand jurors, clearly excluding from service those who have been convicted of a felony in state or federal court, or those declared mentally incompetent. It also provided that jurors summoned prior to July 1, 2012, remain eligible to comprise the venire in order to smooth the transition to the use of the inclusive jury lists called for under the

2011 jury reform (HB 415).

Several other bills of interest passed, such as HB 1048 related to process servers, while others like the juvenile code re-write (HB 641) did not. To view other legislation from the 2012 General Assembly session or view committee meeting announcements and agendas, news stories, and a host of other important information

from the legislature, you can visit the AOC legislative website at legislation.georgiacourts.gov.

Selling Your Car? What do you do with the Tag??

Mickey Roberts, Esq.

If you are thinking of selling your car, you need to know that in Georgia the tag does NOT go with the car:

- Remove your license plate from your car before you sell it. Whether you intend to transfer your plates or return your plates, don't let the new owner drive away with them. Though the plates identify your car, they are registered to you and should only be used on a vehicle you own. You can return, discard or transfer the plates to a new vehicle.
- If you have no use for the plates but don't wish to pay for mail, get rid of them. Don't plan to throw them in the trash, though. Someone else could pull them out and use them to illegally tag their car. Bring the plates to a place that

recycles tags or aluminum. If there isn't one available in your area, cut it up yourself and throw away the pieces.

If you have sold your car and do not have the plate, you can sign an affidavit obtained at your local tag office, which puts the State on notice that you no longer own the car. This protects you against possible civil or criminal liability should the car be involved



YOUR CELL PHONE IS SUBJECT TO SEARCH AS IS ANY OTHER CONTAINER; SUCH AS A TOOTHBRUSH AND CLOTHING IN A PAPER BAG. HOWEVER, THE CELL PHONE RECORDS ARE NOT SUBJECT TO DISCOVERY?

Margaret Gettle Washburn, Editor
Council of Municipal Court Judges

In the recent case of *Hawkins v. State*, 290 Ga. 785, 723 E.E.2d 924, S11G0644, March 23, 2012, Justice Hines presiding, the Supreme Court affirmed the judgment in *Hawkins v. State*, 307 Ga. App. 253 (2011), holding that a cell phone is roughly analogous to a container that can be properly opened and searched for electronic data. The majority opinion of the Court of Appeals appropriately noted that searches of a cell phone incident to arrest must be limited as much as is reasonably practicable by the object of the search. Such as an officer may not conduct a "fishing expedition" and search through photos or audio files when the object is to discover certain text messages. In so holding, the Court noted that the arresting officer's observations clearly showed that evidence of Haley Hawkins' text messages to the officer were in her cell phone and the cell phone would be found in her vehicle.

The Supreme Court granted certiorari to the Court of Appeals to consider whether that Court properly determined that a police officer's search of a cell phone incident to arrest was lawful. Their decision was affirmed.

This case arises from the Lowndes County Superior Court. The Defendant Haley Hawkins had been arrested for various crimes, including an attempted violation of the Georgia Controlled Substances Act following an exchange of telephone text messages between Hawkins and a law enforcement officer

who posed as another individual. After agreeing by text to meet the officer, allegedly to purchase drugs, Hawkins arrived in her car at the appointed place. The officer observed her entering data into her cell phone, and he contemporaneously received a text message stating that she had arrived. The officer approached Hawkins's vehicle and placed her under arrest; her vehicle was searched and her cell phone was found inside her purse. The arresting officer searched the cell phone for the text messages he had exchanged with Hawkins, and then downloaded and printed them. Hawkins moved the trial court to suppress evidence of these text messages as the product of an unreasonable search and seizure because it was accomplished without the authority of a warrant; the motion was denied, and the Court of Appeals permitted an interlocutory appeal, and affirmed the trial court. As the majority opinion of the Court of Appeals noted, [a]s a general rule, "searches conducted outside the judicial process, without prior approval by judge or magistrate, are per se unreasonable under the Fourth Amendment[,] subject only to a few specifically established and well-defined exceptions." *Katz v. United States*, 389 U. S. 347, 357 (88 SC 507, 19 LE2d 576) (1967). "Among the exceptions to the warrant requirement is a search incident to lawful arrest." *Arizona v. Gant*, 556 U. S. 332, (129 SC 1710, 1716 (II), 173 LE2d 485) (2009).

There was no dispute that Hawkins' arrest was lawful. As noted in *Gant*, in many instances, "the

offense of arrest will supply a basis for searching the passenger compartment of an arrestee's vehicle and any containers therein," *supra* at 344 (III) (emphasis supplied), when "it is 'reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle.' [Cit.]" *Id.* at 343.

In this instance, it was clear from the officer's observations that evidence of the text messages Hawkins exchanged with the officer were in Hawkins's cell phone, and that the cell phone would be found in her vehicle. Accordingly, the Court of Appeals addressed the question of whether, for purposes of a search incident to arrest, the cell phone could be treated in the same manner as a traditional physical container, and found that it could. *Hawkins*, *supra* at 257. The Defendant argued that the cell phone at issue cannot be treated as a container because it does not ordinarily contain another physical object. See *New York v. Belton*, 453 U. S. 454, 461 (n. 4) (101 SC 2860, 69 LE2d 768) (1981) (" 'Container' here denotes any object capable of holding another object.") However, the Supreme Court agreed with the majority opinion of the Court of Appeals that, although an electronic device, a cell phone is "roughly analogous" to a container that properly can be opened and searched for electronic data, similar to a traditional container that can be opened to search for tangible objects of evidence. *Hawkins*, *supra* at 257.

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"The wisdom of this conclusion can be seen in the fact that a major focus of an examination into the propriety of a container search incident to arrest is the nature of the object of the search. See *Ross*, supra, at 824 (Scope of the search is "defined by the object of the search and the places in which there is probable cause to believe that it may be found.") See also *Gant*, supra at 343-344 (III). And, in circumstances such as these, the similarity of a cell phone to a traditional container in which there might be found physical entities of evidence is clear; it is reasonable to believe that the object of the search will be found inside the cell phone."

The dissent in the Court of Appeals notes that a cell phone may contain large amounts of private information, including "recent-call lists, emails, text messages, and photographs." [Cit.] Id. at 265 (Phipps, J., dissenting). However, the Supreme Court did not find that the potential volume of information contained in a cell phone changes its character; "it is an object that can store considerable evidence of the crime for which the suspect has been arrested, and that evidence may be transitory in nature". Further, the Court found that other courts have recognized the potential for information stored in a cell phone or similar device to be lost if not captured quickly. See, e.g., *United States v. Ortiz*, 84 F.3d 977, 984 (7th Cir. 1996).

"And, the mere fact that there is a potentially high volume of information stored in the cell phone should not control the question of whether that electronic container may be searched. See *People v. Diaz*, 51 Cal. 4th 84, 96-97 (244 P.3d 501) (Cal. 2011) ("If, as the high court held in [*United States v. Ross*, 456 U.S. 798 (102 SC 2157, 72 LE2d 572) (1982)], 'a traveler who carries a toothbrush and a few articles of clothing in a paper bag or

knotted scarf [has] an equal right to conceal his possessions from official inspection as the sophisticated executive with the locked attache case' [id. at 822], then travelers who carry sophisticated cell phones have no greater right to conceal personal information from official inspection than travelers who carry such information in 'small spatial container [s]'. " However, the fact that a large amount of information may be in a cell phone has substantial import as to the scope of the permitted search; it requires, as the Court of Appeals majority noted, that "we must apply the principles set forth in traditional 'container' cases to searches for electronic data with great care and caution." Id. at 257-258 (1). And, the majority opinion of the Court of Appeals gave appropriate guidance regarding the scope of a search of a cell phone incident to arrest: the "search must be limited as much as is reasonably practicable by the object of the search. [Cit.]" *Hawkins*, supra at 258. "That will usually mean that an officer may not conduct a "fishing expedition" and sift through all of the data stored in the cell phone. Thus, when "the object of the search is to discover certain text messages, for instance, there is no need for the officer to sift through photos or audio files or Internet browsing history data stored [in] the phone." Id. at 259....Accordingly, reviewing the reasonable scope of the search will largely be a fact-specific inquiry."

Judgment affirmed. All the Justices concur.

What I found interesting about this case was in the foregoing paragraph:

"The dissent in the Court of Appeals notes that a cell phone may contain large amounts of private information, including "recent-call lists, emails, text messages, and photographs." [Cit.] Id. at 265 (Phipps, J., dissenting). However, we do not believe that the potential volume of information contained in a cell

phone changes its character; it is an object that can store considerable evidence of the crime for which the suspect has been arrested, and that evidence may be transitory in nature.FN3 And, the mere fact that there is a potentially high volume of information stored in the cell phone should not control the question of whether that electronic container may be searched."

Contrast that with the case of *Anderson v. Mergenhagen*, 283 Ga.App. 546, 642 S.E.2d 105 (2007), where the Court of Appeals held: The cellular phone records of defendant who allegedly followed and photographed plaintiff on a frequent basis were not reasonably calculated to lead to the discovery of admissible evidence, warranting trial court's decision to quash the plaintiff's subpoena of the records, even though plaintiff asserted that she saw the defendant speaking on his cellular phone while he was following her; the defendant's use of his cellular phone was not relevant to the alleged intrusiveness of his behavior. West's Ga.Code Ann. § 24-10-22(b)(1). Further, that the cellular phone records of first wife's boyfriend were not reasonably calculated to lead to the discovery of admissible evidence. In this case, *Anderson* alleges that her privacy was violated when *Mergenhagen* followed her repeatedly in the car and took numerous photographs of her and her car. "While the Restatement (Second) of Torts suggests that a driver may have no cause of action for mere observation or even for having her photograph taken, Restatement (Second) of Torts, § 652B, a relatively harmless activity can become tortious with repetition, as when, for example, telephone calls "are repeated with such persistence and frequency as to amount to a course of hounding the plaintiff," and becoming "a substantial burden to his existence." Restatement (Second) of Torts, § 652B, Comments D, C. Similarly, repeatedly

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following a woman, who was pregnant for part of that time and was frequently alone or with her small children, photographing her at least 40 times, repeatedly causing her to become frightened and upset, to flee to her home, and to call the police seeking help, creates a jury question as to whether the defendant's actions amounted to "a course of hounding the plaintiff" that intruded upon her privacy. We must therefore conclude that the trial court erred when it granted summary judgment to Mergenhagen on this claim. Georgia law does not require physical intrusion to establish a claim of invasion of privacy." The Court found that plaintiff Anderson contended that the trial court erred when it granted Mergenhagen's motion to quash her subpoena of his cell phone records per OCGA § 9-11-34. Mergenhagen often photographed his own cell phone to record the time and place of his sightings of Anderson, and Anderson testified that she once saw Mergenhagen speaking on his cell phone while he was following her. "Even if Mergenhagen was speaking to Karyn Anderson when he was following Maureen Anderson, this information is not relevant to the intrusiveness of his behavior." The trial court did not abuse its discretion when it quashed the subpoena, since it was not reasonably calculated to lead to the discovery of admissible evidence. OCGA § 24-10-22(b)(1). How could the discovery of the cell phone records NOT lead to admissible evidence? Clearly, this was at odds with *Price v. State*, 269 Ga. 222, 224(2), 498 S.E.2d 262(1998), wherein the Court reversed the quash of the defendant's subpoena for gas chroma-

tography printout recording his blood alcohol.

If the majority in *Hawkins v. State* can hold: "... the similarity of a cell phone to a traditional container in which there might be found physical entities of evidence is clear; it is reasonable to believe that the object of the search will be found inside the cell phone." , which are the text messages that the Defendant sent to the officer, then it seems incongruous that the records of a cell phone used in the commission of stalking would be quashed, as not reasonable calculated to lead to the discovery of ad-

missible evidence. I'm open to your ideas.

Can You Turn "Be a Millionaire Day" into Reality?

Mike Sullivan

If you look hard enough, you can find many obscure holidays, but few of them can instantly capture people's interest as much as Be a Millionaire Day, which is "celebrated" on May 20. While amassing a million dollars may not be as significant a milestone as it used to be, most of us would still feel pleased if we could someday attain "millionaire" status. While there are no perfect formulas or guarantees, here are some steps to consider when working toward any investment goal:

- Put time on your side. The earlier you begin saving and investing, the better your chances of reaching your financial goal. You can't expect to "strike it rich" immediately with any single investment, but by investing year in and year out, and by choosing quality investment vehicles, you have the opportunity to achieve growth over time.
- Pay yourself first. If you wait until you "have a little extra money

lying around" before you invest, you may well never invest. Instead, try to "pay yourself first." Each month, move some money automatically from a checking or savings account into an investment. When you're first starting out in the working world, you might not be able to afford much, but as you advance in your career, you can increase your contributions.

- Control your debts. It's easier said than done, but if you can keep a lid on your debt payments, you'll have more money with which to invest.
- Take advantage of tax deferral. When you invest in tax-deferred vehicles, such as a traditional Individual Retirement Account (IRA) and your 401(k) or similar employer-sponsored retirement plan, your money has the opportunity to grow faster than it would if placed in an investment on which you paid taxes each year.

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Can you Turn cont.

Of course, when you start taking withdrawals, presumably at retirement, you'll have to pay taxes, but by then, you may be in a lower tax bracket. And since you'll have some control over your withdrawals, you can help control taxes, too.

- **Build share ownership.** As an investor, one of the best things you can do to build your wealth is to increase the number of shares you own in your investments. So, look for buying opportunities, such as when prices are low. Also, consider reinvesting any dividends or distributions you may receive from your investments.

- **Don't be overly cautious.** For your money to grow, you need to put a portion of your investment dollars in growth-oriented vehicles, such as stocks. It is certainly true that stock prices will always fluctuate, sometimes quite sharply, and you may receive more or less than your original investment when sold. But if you avoid stocks entirely in favor of more stable vehicles, you run the risk of earning returns that may not keep you ahead of inflation. As you approach retirement, and even during retirement, your portfolio will probably still need some growth potential. Work with your financial advisor to determine the appropriate approach for you.

- **Think long term.** By creating a long-term investment strategy and sticking to it, you'll be less likely to take a "timeout" from investing in response to perceived negative news, such as market downturns and political crises.

Following these suggestions may someday allow you to reach the point when your financial goals become a reality for you.

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Members of the Judicial Council at the May 31st, Judicial Council meeting in Savanna.

Front row (l-r) Judge Rashida Oliver, Municipal Court; Judge Mary Kathryn Moss, Magistrate Court; Judge Cynthia Wright, Superior Court; Chief Justice Carley, Supreme Court; Presiding Justice Hunstein, Supreme Court; Judge Kelley Powell, Probate Court.

Second row (l-r) Judge Larry Mims, State Court; Judge Deborah Edwards, Juvenile Court; Judge Louisa Abbot, Superior Court; Judge David Emerson, Superior Court; Judge Greg Poole, Superior Court; Judge Lawton Stephens, Superior Court; Judge John Morse; Superior Court.

Third row (l-r) Judge Frederick Mullis, Superior; Judge C. Andrew Fuller, Superior Court; Chief Judge John J. Ellington, Court of Appeals; Judge McGarity, Superior Court; Judge Alan Harvey, Magistrate Court.

Fourth row: (l-r) Judge Chase Daughtrey, Probate Court; Judge J. Harvey Altman, Superior Court, Judge Mark Anthony Scott, Superior Court; Presiding Judge Herbert E. Phipps, Court of Appeals.

Keeping Georgia's Municipal Courts Strong

Kent Wickham, President-Elect, Chief Judge, City of Norcross



What an amazing opportunity to serve in a municipal court. You are a member of the oldest court system in the state. When Oglethorpe set up the City of Savannah one of his first steps was the creation of the Municipal Court, a locally controlled forum for the resolution of disputes focused on fostering the growth and well being of the new city. The Court would prosper and enhance the standard of living for all citizens of the new colony, a decision that this state would later vigorously embrace.

When we reflect as lawyers on the opportunities we are given to serve, to be a member of the municipal courts surely is one of the most rewarding. The bedrock of the state of Georgia are our strong, vibrant, safe, and beautiful communities. The professional and efficient enforcement of traffic law, environmental standards, and safety codes makes this possible. Travel across this state and see the thriving small towns and cities with strong community policing, great green space, schools and small business districts, clean and appealing residential districts, and thank the municipal courts for playing a vital role in this outcome.

The opportunity to serve the communities where many of us live is unique. There is a connectivity to the city that is not present in other roles. The daily contact with citizens, city personnel, mayors, councils, and local law enforcement is truly unique. Each of us plays a role in the success of our community. We see the effects of this cooperative endeavor when we enjoy an afternoon in a city park with our chil-

dren, a dinner with friends at a locally owned restaurant, an afternoon barbeque on your deck or enjoying a concert in the park with thousands.

I ask each you to do the very best you can to keep the Municipal Courts strong and respected in the communities you serve. We are facing potential changes to the criminal traffic code that may have devastating effects on the vitality of our community policing, courts and municipal governments. I ask that you use your influence to maintain the vital role we play in the quality of life that we enjoy in Georgia. Change is inevitable and we must embrace it where it is productive and necessary. Join together now to keep the municipal courts strong and vibrant in our communities; our quality of life is at stake. Respect and cheers to you all for the work you do.

Kenneth E. Wickham

Attorney at Law

Chief Judge Municipal Court Norcross

Judge Municipal Court Dunwoody



Georgia Council of Municipal Court Judges

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June 4, 2012

MEMORANDUM Via Email & U.S. Mail

To: Each Member of the Council of Municipal Court Judges
From: Judge E.R. Lanier, Secretary
Re: Notification of Election
Nominations for Officers, Executive Committee Members, and Training Council Members,
Availability of Absentee Ballots

The election of Officers, Executive Committee members (Odd Number District Representatives), and Training Council members will take place on, June 21, 2012, during the Annual Business Meeting at the Jekyll Island Club, Jekyll Island, Georgia. The luncheon meeting begins at 12:00 noon.

The proposed slate of qualified candidates nominated for each respective position is also enclosed. Absentee ballots will be available to members upon written request received by 5:00 p.m. on June 11, 2012. Each absentee ballot will obtain a pre-number for inclusion on the envelope and must be returned by U.S. Mail. **Absentee ballots not returned with the pre-numbered envelope by 5:00 p.m. on June 15, 2012, will not be counted in the election.** Address all requests for absentee ballots to:

Judge Nelly Withers
Nominations Committee
Recorder's Court of DeKalb County
3630 Camp Circle
Decatur, GA 30032-1394
Email: nwithers@dekalbcountyga.gov

Council of Municipal Court Judges**Elections, June 2012**

Pursuant to Article Five, Section 2, of the Bylaws of the Council, the following named persons have been certified by the Nominating Committee as candidates for election to the offices indicated. Judge Kenneth Wickham automatically ascends to the position of President.

Executive Committee Officers**President Elect:**

Judge James Anderson

Vice President:

Judge E.R. Lanier

Secretary:

Judge Nelly Withers

Treasurer:

Judge John Clayton Davis

Pursuant to Article Six, of the Bylaws of the Council, the following named persons have been certified by the Nominating Committee as candidates for election to the offices indicated.

District Representatives (Two Year Term)**District 1**

Judge Tammy Stokes

Judge Doug Andrews (I)

District 3

Judge Michael P. Cielinski (I)

Judge Jim Thurman (I)

District 5

Judge Gary Jackson (I)

Judge Maurice Hilliard (I)

District 7

Judge Roger Rozen (I)

Judge Timothy McCreary (I)

Judge Robert Whatley

District 9

Judge William "Bill" Brogdon (I)

Judge Margaret Gettle Washburn (I)

Training Council (Two Year Term) Three Positions

Judge Dennis Still (I)

Judge Thomas "Tommy" Bobbitt (I)

Judge Glen Ashman

Judge Michael Cielinski

Judge Leslie Spornberger Jones



Judicial Council of Georgia
Administrative Office of the Courts

Chief Justice George H. Carley

Chair

Marla S. Moore

Director

PRESS RELEASE

For more information:
Ashley Stollar

For Immediate Release
June 13, 2012

AOC, Georgia State Patrol Partner to Make Citations Electronic

Electronic submission to courts will save money, time, and data entry errors

(Atlanta) As part of the EXPRESS Project (www.georgiacourts.gov/ccs), the Administrative Office of the Courts and the Georgia State Patrol (GSP) have developed and launched an electronic citation filing system for all GSP citations. The AOC currently receives all citations in an electronic format from the GSP and makes them available to local courts. This service eliminates 100% of the human data entry and saves time, money, and keystroke errors. This e-filing also speeds up citation processing.

On June 13, the first citations were uploaded automatically from the GSP, through the AOC, to Traffic Information Processing System (TIPS) test courts. The TIPS is active in approximately 20% of the states 'traffic' courts. The AOC's goal is to have all TIPS courts receive electronic GSP citations by July 1. This partnership will expand to handle other case types and serve other law enforcement agencies in the future.

"This exchange greatly benefits the courts in Georgia by eliminating data entry time and errors and marks another successful partnership between state agencies."

- Marla Moore, AOC Director

The AOC is available to work with any vendor to start receiving GSP citations through this service. Five Points Solutions has already started developing and delivering electronic submissions for Cherokee County and other non-TIPS Courts throughout the state.

Council of Municipal Court Judges
Administrative Office of the Courts
244 Washington Street, SW • Suite 300
Atlanta, Georgia 30334

MARGARET GETTLEWASHBURN

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Editor

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